

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PETER KIEWIT SONS', INC.,

Plaintiff,

vs.

WALL STREET EQUITY GROUP, INC.,
WALL STREET GROUP OF
COMPANIES, INC., SHEPHERD
FRIEDMAN, STEVEN S. WEST,

Defendants.

8:10CV365

ORDER

On November 7, 2012, defendant Wall Street Equity Group, Inc. filed a Suggestion of Bankruptcy with this court, (Filing No. 330). The Hon. John M. Gerrard, pursuant to NEGenR. 1.5(a) referred the case to the United States Bankruptcy Court for the District of Nebraska, thereby automatically staying further action in this case (Filing No. 331). On November 19, 2012, United States Bankruptcy Judge Timothy J. Mahoney issued a Findings and Recommendation that this court withdraw its reference as to Wall Street Group of Companies, Inc., Shepherd Friedman, and Steven S. West, (Filing No. 332). On November 12, 2012, the Hon. John M. Gerrard adopted the Findings and Recommendation and reinstated the case as to all defendants except Wall Street Equity Group, Inc., (Filing No. 335).

Before the Suggestion of Bankruptcy was filed, attorney A. Margaret Hesford moved the court for leave to withdraw from representing defendant Steven West, (Filing No. 314). The undersigned denied that motion and ordered the payment of a previously ordered sanctions award to be made on or before November 26, 2012, (Filing No. 329). Payment of the award was subject to the automatic bankruptcy stay. After the stay was lifted, Ms. Hesford moved the court to reconsider its order denying her motion to withdraw as counsel for Steven West, (Filing No. 338).

On January 2, 2013, the parties participated in a telephonic status conference with the undersigned to address Ms. Hesford's motion to reconsider the denial of her motion to withdraw as counsel for defendant Steven West, (Filing No. 338), to discuss further progression of this case, and to address the payment of the sanctions award. Based upon the representations of the parties,

IT IS ORDERED that,

- 1) On or before January 18, 2013, the plaintiff shall file its brief and evidence in response to the motion for reconsideration. Defendants' reply, if any, shall be filed on or before seven (7) days after the plaintiff's brief and evidence are filed.
- 2) On or before January 18, 2013, the plaintiff shall submit its proposed schedule for further progression of this case. Defendants' response, if any, shall be filed on or before seven (7) days after the plaintiff's proposed schedule is filed.
- 3) On or before January 18, 2013, the defendants shall pay \$82,909.60, representing the sanctions awarded to Kiewit under the court's previously stayed order. (See Filing Nos. 329, 331, and 335).

Dated this 2nd day of January, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge